

**SUBCHAPTER 6. COMPLIANCE BY CASINO LICENSEES AND APPLICANTS –
PREPARATION, IMPLEMENTATION AND REVIEW OF
EQUAL EMPLOYMENT AND BUSINESS OPPORTUNITY
PLAN (EEBOP)**

- 19:53-6.1 Equal Employment and Business Opportunity Plan (EEBOP);
purpose and basic elements
- 19:53-6.2 General regulatory section of an EEBOP
- 19:53-6.3 Construction section of an EEBOP
- 19:53-6.4 Operations work force section of an EEBOP
- 19:53-6.5 (Reserved)
- 19:53-6.6 (Reserved)
- 19:53-6.7 EEBOP filing requirements; review and approval; revisions
- 19:53-6.8 EEBOP assessment hearing; statistical demonstration of
compliance with obligations; demonstration of compliance
through documentation of EEBOP implementation
- 19:53-6.9 Special EEBOP reviews and hearings
- 19:53-6.10 On-site monitoring and inspections
- 19:53-6.11 Sanctions
- 19:53-6.12 (Reserved)

**19:53-6.1 Equal Employment and Business Opportunity Plan (EEBOP);
purpose and basic elements**

(a) In order to insure compliance with the requirements of section 134 of the Act and this chapter, each casino licensee and applicant shall be required to submit an Equal Employment and Business Opportunity Plan (EEBOP) to the Commission for its approval. The EEBOP of each casino licensee or applicant shall address in specific terms the strategies, procedures and internal requirements which the casino licensee or applicant intends to implement so that the equal employment opportunity and equal business

opportunity objectives of the Act and this chapter are achieved, both on a current and continuing basis.

(b) Each casino licensee or applicant shall be encouraged to use imagination and innovation in the development of its EEBOP. Although, in general, no particular format will be required, every EEBOP prepared by a casino licensee or applicant shall contain sections addressing each of the following areas:

1. General regulatory requirements;
2. Construction requirements; and
3. Operations work force requirements.

(c) The EEBOP of a casino license applicant which will be building or substantially renovating a casino hotel facility prior to licensure shall address:

1. All phases of the development of the project including planning and feasibility studies in preparation for initial construction; and
2. The qualifications of the Equal Opportunity Officer to perform the duties set forth in N.J.A.C. 19:53-1.4.

Adopted, effective: 08/16/93

As amended, effective: 01/16/96

As amended, effective: 06/17/02

19:53-6.2 General regulatory section of an EEBOP

(a) Every EEBOP submitted by a casino licensee or applicant shall include, at a minimum, the following:

1. A statement by the chief executive officer of the casino licensee or applicant setting forth the equal employment and business opportunity policies of the organization;
2. An acknowledgement by the chief executive officer of the obligations imposed by section 134 of the Act and this chapter; and
3. A description of the means by which the policies of the casino licensee or applicant concerning equal opportunity shall be disseminated and

enforced including, without limitation, the following:

- i. Orientation, sensitivity and ADA compliance training sessions for staff, including executives, managers, supervisors and placement personnel;
- ii. The availability of the EEBOP to staff for review; and
- iii. The inclusion of accountability for achieving the objectives of this chapter and the EEBOP of the casino licensee or applicant in the performance evaluations of executives, managers and supervisors.

(b) Other topics appropriate for inclusion in the general regulatory section of an EEBOP shall include, without limitation, the following:

1. A delineation of the role and responsibilities of the equal opportunity officer and his or her staff;
2. A description of the lines of communication and reporting within the organization as they relate to the objectives of this chapter;
3. A description of the resources which the casino licensee or applicant will make available to the advisory boards organized pursuant to the provisions of N.J.A.C. 19:53-1.5 and a commitment by the casino licensee or applicant to actively participate in and support the efforts of these advisory boards; and
4. A description of the procedures and techniques which the casino licensee or applicant will use to monitor implementation of the EEBOP and to assess the need for modifications.

Adopted, effective: 08/16/93

As amended, effective: 11/01/93

As amended, effective: 01/16/96

As amended, effective: 06/17/02

19:53-6.3 Construction section of an EEBOP

(a) The construction section of an EEBOP prepared by a casino licensee or applicant shall describe in detail the means by which the licensee or

applicant intends to comply with the equal opportunity and regulatory obligations imposed by N.J.A.C. 19:53-2. Topics appropriate for inclusion in the construction section of an EEBOP shall include, without limitation, the following:

1. Coordination and communication in the implementation of construction plans by the equal opportunity officer, the executive office, the facilities department, the purchasing department, and any other appropriate department;

2. Implementation of a monitoring system which will enable the casino licensee or applicant to evaluate the performance of contractors and subcontractors and the performance of the licensee's or applicant's own organization in fulfilling the equal employment and equal business opportunity requirements imposed by this chapter; and

3. Procedures and penalties to be used by the casino licensee or applicant if a contractor or subcontractor does not fulfill its obligations under this chapter.

Adopted, effective: 08/16/93

As amended, effective: 06/19/95

As amended, effective: 06/17/02

19:53-6.4 Operations work force section of an EEBOP

(a) The operations work force section of an EEBOP prepared by a casino licensee or applicant shall describe in detail the means by which the licensee or applicant intends to comply with the equal opportunity and regulatory obligations imposed by N.J.A.C. 19:53-4. Topics appropriate for inclusion in the operations work force section of an EEBOP shall include, without limitation, the following:

1. Coordination and communication in the personnel practices of the casino licensee or applicant by the equal opportunity officer, the executive office, the personnel department, and any other appropriate department;

2. The means by which the casino licensee or applicant shall address its obligation to provide equal employment opportunity to all persons protected by the provisions of N.J.S.A. 5:12-134; and

3. The means by which the casino licensee or applicant will insure that all required reports are completed and filed when due.

(b) The operations work force section of an EEBOP shall also describe in detail the manner in which a casino licensee or applicant shall undertake to satisfy its obligation to recruit and employ persons with disabilities. Topics appropriate for inclusion in this section of an EEBOP may include, without limitation, the following:

1. Strategies and measurable objectives for improving the employment of persons with disabilities at all levels of the work force including, without limitation, proactive initiatives in the following areas:

i. The use of recruitment programs, advertising, postings, referral agencies, search firms, job fairs and job banks;

ii. Employment processing, including specialized application and interview procedures for applicants who are voluntarily self-identified as persons with a disability;

iii. Specialized training, development or promotion programs, such as supported employment programs, school-to-work programs, mentoring programs and, where feasible, work-at-home programs; and

iv. Retention programs, such as continuing support, training and counseling programs;

2. Timetables for achievement of the EEBOP objectives;

3. Procedures for handling complaints concerning reasonable accommodation in employment or harassment of persons with disabilities, and the means by which employees are advised of the procedures;

4. The use of exit interviews or other means to assess why employees who are self-identified persons with a disability leave on a voluntary basis; and

5. Development and implementation of internal monitoring and analysis mechanisms to be used to review, evaluate and, if needed, correct plan progress.

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19:53-6.5 (Reserved)

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19:53-6.6 (Reserved)

As adopted, effective: 11/01/93
As amended, effective: 06/19/95
As amended, effective: 06/17/02

19:53-6.7 EEBOP filing requirements; review and approval; revisions

(a) Any entity which is an applicant for or holds a casino license shall file its initial EEBOP with the Commission prior to the start of actual construction of a casino hotel facility, the recruitment and employment of personnel necessary to undertake the business of the casino or hotel, or the filing of an application for casino licensure, whichever first occurs.

(b) After initial approval by the Commission, a casino licensee or applicant shall not be required to resubmit all or any part of the EEBOP for review or approval unless:

1. The EEBOP is voluntarily revised by the licensee or applicant pursuant to (c) below;
2. The Commission directs that the EEBOP be revised as a result

of an EEBOP assessment hearing pursuant to N.J.A.C. 19:53-6.8; or

3. The Commission directs that the EEBOP be revised as a result of a special review of the EEBOP ordered pursuant to N.J.A.C. 19:53-6.9.

(c) A casino licensee or applicant may request the approval of the Commission to revise its EEBOP at any time. No material modification of an EEBOP may be implemented by a casino licensee or applicant until it has been approved by the Commission. Any request to revise an EEBOP shall be submitted at least 60 days in advance of the requested effective date of the change and shall include, without limitation, the following:

1. A clear and concise summary of any revisions, deletions or additions; and

2. A detailed explanation of the changes being proposed and their anticipated effect on the compliance of the casino licensee or applicant with the requirements of the Act and this chapter, which explanation shall include supporting data or documentation when available.

As adopted, effective: 08/16/93

As amended, effective: 01/16/96

As amended, effective: 03/03/97

19:53-6.8 EEBOP assessment hearing; statistical demonstration of compliance with obligations; demonstration of compliance through documentation of EEBOP implementation

(a) Each casino licensee or applicant shall be required to demonstrate its compliance with the requirements of the Act and this chapter by participating in periodic assessment hearings concerning its performance under its approved EEBOP.

(b) An EEBOP assessment hearing for a casino licensee shall be scheduled as part of each casino license renewal hearing. If a casino licensee is operating under a casino license that has a term of more than two years, the casino licensee shall also be required to participate in an interim EEBOP

assessment hearing as follows:

1. If the casino licensee is operating under a casino license with a four year license term, an interim EEBOP assessment hearing shall be held on the second anniversary date of the casino license renewal hearing; or

2. If the casino licensee is operating under a casino license with a term of more than two years but less than four years, an interim EEBOP assessment hearing shall be scheduled by the Commission at the time of casino license renewal.

(c) EEBOP assessment hearings for a casino license applicant shall occur on a schedule to be set by the Commission, which schedule shall be based on the anticipated date of the initial casino licensure hearing of the applicant or, if a casino hotel is being built or renovated, the opening of the casino.

(d) Sixty days prior to the scheduled date of a casino license hearing or an interim EEBOP assessment hearing, the casino licensee or applicant shall submit a self-assessment of its performance under its approved EEBOP during the assessment period, including, as applicable and without limitation, the following:

1. An internal review and evaluation of each of the areas of the EEBOP where objectives were not achieved, including documentation of specific transactions or programs which were included in the EEBOP as a means to attain these objectives;

2. An analysis by the casino licensee or applicant as to why the particular objectives were not achieved;

3. An internal review and evaluation of each programmatic portion of its approved EEBOP as to which the Commission has directed an assessment; and

4. Modifications to the approved EEBOP proposed by the casino licensee or applicant as a means to improve its performance in deficient areas during the next EEBOP assessment period.

(e) Upon completion of an EEBOP assessment hearing for a casino licensee or applicant, the Commission may find that the casino licensee or applicant has complied with the obligations of the Act and this chapter if:

1. The casino licensee or applicant did implement and comply with the terms of its approved EEBOP during the assessment period; or

2. The casino licensee or applicant has in fact made good faith efforts to comply with its approved EEBOP and its failure to do so was based on occurrences which were beyond the control of the casino licensee or applicant.

(f) If, upon completion of an EEBOP assessment hearing, the Commission determines that a casino licensee or applicant has failed to comply with the requirements of the Act, this chapter or its approved EEBOP, the Commission may impose one or more of the sanctions authorized by N.J.A.C. 19:53-6.11.

Adopted, effective: 08/16/93

As amended, effective: 01/16/96

As amended, effective: 03/03/97

As amended, effective: 06/17/02

19:53-6.9 Special EEBOP reviews and hearings

(a) Notwithstanding any other provision of this chapter, the Commission may require a casino licensee or applicant to conduct a self assessment of all or any part of its approved EEBOP whenever the Commission has cause to question whether the EEBOP or the implementation of the EEBOP by the casino licensee or applicant is likely to achieve compliance with the obligations imposed by the Act and this chapter.

(b) Any casino licensee or applicant which is notified that a special review of its EEBOP shall be conducted pursuant to this section shall supply whatever documentation or reports are requested by the Commission. A special hearing on the EEBOP of the casino licensee or applicant may be

ordered by the Commission at any time and shall be conducted under such terms and conditions as the Commission may direct. The sole purpose of such hearing shall be to determine whether the casino licensee or applicant should be required to make immediate modifications to its EEBOP consistent with the purposes of the Act and this chapter.

As adopted, effective: 08/16/93

19:53-6.10 On-site monitoring and inspections

A representative of the Commission and a representative of the Division shall be entitled to enter the casino hotel, casino, casino simulcasting facility or any related facilities of a casino licensee or applicant for the purposes of determining whether the licensee or applicant is complying with the Act, this chapter and its approved EEBOP. In making such a determination, the Commission or Division shall be entitled to inspect or copy any relevant books or records.

As adopted, effective: 08/16/93

19:53-6.11 Sanctions

(a) If the Commission determines that a casino licensee or applicant is in violation of any applicable provision of the Act, this chapter or its approved EEBOP, the Commission, as appropriate, may:

1. Impose penalties in accordance with N.J.S.A. 5:12-129;
2. Deny, suspend or revoke or refuse to renew the casino license;
3. Enter a cease and desist order which specifies the practice or contract to be discontinued or altered by the casino licensee or applicant;
4. Issue public letters of reprimand or censure to be made a permanent part of the file of the casino licensee or applicant;
5. Assess appropriate civil penalties as allowed by the Act;

6. Refer to the Attorney General or his or her designee circumstances which may constitute violation of the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.;

7. Enforce in a court of law the applicable provisions of the Act, or join in or assist any enforcement proceeding initiated by an aggrieved person;

8. Impose license conditions; and

9. Take any other action authorized or permitted by the Act.

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19:53-6.12 (Reserved)

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